

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOHN E. ANDRUS MEMORIAL, INC. (d/b/a ANDRUS  
ON HUDSON),

Plaintiff,

-against-

RICHARD F. DAINES, as Commissioner of the New York  
State Department of Health,

Defendant.  
----- X

2007 Civ. 3432 (CLB)(MDF)

**AFFIRMATION OF  
SERVICE**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK    )

BRIAN T. MCGOVERN, an attorney at law of the State of New York affirms,  
under penalty of perjury, that:

1)     I am not a party to this action, am over 18 years of age and reside in Sea  
Cliff, New York.

2)     On April 11, 2008, I caused to be served Plaintiff John E. Andrus  
Memorial, Inc.'s Notice of Motion for a Preliminary Injunction, Affidavit of Betsy Biddle in  
Support of Plaintiff's Motion for a Preliminary Injunction, Memorandum of Law in Support of



Plaintiff's Motion for a Preliminary Injunction, and Proposed Findings of Fact in Support of Plaintiff's Motion for a Preliminary Injunction by sending a true copy thereof via electronic mail to John Gasior, attorney for the defendant.

Dated: April 15, 2008

---

s/Brian T. McGovern  
Brian T. McGovern